

Amendment No. 1 to SB2603

Bell
Signature of Sponsor

AMEND Senate Bill No. 2603

House Bill No. 2386*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-5-322(b), is amended by deleting the subsection and substituting instead the following:

(b)

(1)

(A) Except as provided in subdivisions (b)(1)(B) and (C), venue for appeals of contested case hearings shall be in the chancery court nearest to the place of residence of the person contesting the agency action or alternatively, at the person's discretion, in the chancery court nearest to the place where the cause of action arose.

(B) Subdivision (b)(1)(A) shall not apply to appeals of contested case hearings involving TennCare or the Tennessee public utility commission, which shall continue to adhere to the law applying to venue for appeals of contested case hearings prior to July 1, 2018.

(C) Subdivision (b)(1)(A) shall not apply to appeals of contested cases where the party appealing is a local government entity. Venue for such appeals shall be in the chancery court of Williamson County.

(2) Proceedings for review are instituted by filing a petition for review in the chancery court within sixty (60) days after the entry of the agency's final order thereon.

Senate Government Operations Committee 1

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(3) In a case in which a petition for judicial review is submitted within the sixty-day period but is filed with an inappropriate court, the case shall be transferred to the appropriate court. The time for filing a petition for review in a court as provided in this chapter shall not be extended because of the period of time allotted for filing with the agency a petition for reconsideration. Copies of the petition shall be served upon the agency and all parties of record, including the attorney general and reporter, in accordance with the provisions of the Tennessee Rules of Civil Procedure pertaining to service of process.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.